

HOUSE No. 2668

By Mr. Marzilli of Arlington, petition of J. James Marzilli, Jr., and others relative to the use of mercury by dentists. Public Health.

The Commonwealth of Massachusetts

PETITION OF:

J. James Marzilli, Jr.	Byron Rushing
Frank I. Smizik	Patricia D. Jehlen
Pamela P. Resor	Anne M. Paulsen
Ellen Story	Stephen Kulik

In the Year Two Thousand and Five.

AN ACT RELATIVE TO THE USE OF MERCURY BY DENTISTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 21A of the General Laws is hereby
2 amended by adding the following section:—

3 Section 21. The use of advanced filtration technology, ISO
4 11143 certified amalgam separators must be installed, used and
5 maintained at each dental office in Massachusetts that places,
6 replaces, or removes amalgam fillings. As well as requirements
7 that the separators are properly installed and maintained (per man-
8 ufacturers specifications), and that the captured wastes are recy-
9 cled by certified or licensed entities.

10 The department of environmental protection shall be respon-
11 sible to ensure that all dental clinics placing or removing amalgam
12 fillings fully comply with all the provisions of this legislation,
13 including but not limited to the issuance of fines for non-compli-
14 ance with the regulations.

15 A dentist shall post notice in their dental clinics and present
16 patients having dental restorative procedures with a standardized
17 pamphlet developed by the department of public health regarding
18 the risks and benefits of dental materials, including mercury

19 amalgam, and shall discuss with the patient the choices of using
20 non-mercury restorative dental materials prior to use.

21 The department of public health shall provide information
22 about the risks and benefits of dental restorative materials
23 including information discouraging the use of amalgams in sensi-
24 tive populations, including but not limited to pregnant women and
25 children under the age of 12.

26 No persons shall dispose of elemental mercury or dental mer-
27 cury capsules, particles or dissolved matter other than by recy-
28 cling, except where otherwise approved, with cause, by the
29 department of environmental protection. Elemental mercury or
30 dental mercury particles or dissolved matter may not be disposed
31 in municipal solid waste, as a biomedical waste (except in cases
32 where there is a potential presence of bacteria and/or pathogens)
33 or as a hazardous waste (provided that the material is not destined
34 for incineration or autoclave) or discharged in water, wastewater,
35 wastewater treatment or septic systems. Dental offices are also
36 required to limit their mercury discharges, whether to publicly
37 owned treatment works or to septic systems, to less than 0.01
38 mg/L.

39 No person may sell or provide elemental mercury or preencap-
40 sulated mercury for sale to another person or transport out of state
41 for sale, except for recycling without providing a material safety
42 data sheet as defined in United States code, title 42, section 11049
43 and requiring the purchaser or recipient to sign a statement that
44 the purchaser: (i) will use the mercury only for medical, dental
45 amalgam, research or manufacturing purposes; (ii) understand that
46 the mercury is toxic and that the purchaser will store and use it
47 appropriately so that no person is exposed to the mercury; and
48 (iii) will not place or allow anyone under the purchaser's control
49 to place or cause to be placed the mercury in solid waste or in a
50 wastewater or in a wastewater treatment and disposal system.

51 The department of environmental protection shall establish
52 rules for dental offices relative to: (1) adherence to best manage-
53 ment practices; (2) the use of chairside traps to capture and collect
54 mercury; (3) the use of advanced filtration technology, ISO 11143
55 certified amalgam separators, which must be properly installed to
56 manufacturers' specifications, used and maintained at each dental
57 office in Massachusetts that places, replaces, or removes amalgam

58 fillings, to trap and recycle 99 percent of both the amalgam parti-
59 cles and dissolved mercury; (4) cleaning and replacing mercury
60 laden pipes and plumbing fixtures; (5) enforcement and routing
61 monitoring to assure amalgam separators are installed properly
62 and are maintained to assure they are operating properly and (6)
63 managing surplus quantities of dental or elemental mercury prop-
64 erly.

65 The department of environmental protection shall be respon-
66 sible for conducting or overseeing a study to determine the envi-
67 ronmental impacts and potential liability implications of dental
68 mercury released into wastewater systems (e.g. rural septic sys-
69 tems) where municipal wastewater treatment facilities or other
70 treatment facilities are not available.

71 State dental insurance contracts negotiated after that time shall
72 provide equal coverage for non-mercury fillings at no additional
73 expense to the state employee. Vocational dental education or
74 training schools shall be required to develop and implement a plan
75 approved by the environmental commissioner that best manage-
76 ment practices are used to prevent discharge of mercury into the
77 environment, and to provide for an educational program for dental
78 students regarding the hazards of mercury and requirements to
79 properly manage, trap and collect all waste dental mercury for
80 recycling.

81 All dentists shall be required to submit to the department an
82 annual report describing quantities of amalgam quantities pur-
83 chased and used and recycled from the following two sources; dry
84 sources (chairside traps, clean scrap and elemental mercury) and
85 wet sources (amalgam sludge and vacuum pump traps).

86 In conjunction with the Massachusetts Dental Society, the
87 department of environmental protection shall coordinate the
88 development of a public education, outreach and assistance pro-
89 gram to dentists throughout the state to discourage the environ-
90 mental release and use of dental mercury wherever feasible. And,
91 to encourage best management practices and the installation of
92 amalgam separation units.

1 SECTION 2. This act shall take effect as of July 1, 2006.